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California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION THREE

THE PEOPLE,

Plaintiff and Respondent,

v.

SAMUEL MOSES NELSON,

Defendant and Appellant.

G040151

(Super. Ct. No. 04ZF0072)

ORDER MODIFYING CONCURRING
AND DISSENTING OPINION;
NO CHANGE IN JUDGMENT

It is ordered that the concurring and dissenting opinion filed herein on February 25, 2010, be modified as follows:

1. On page 4, in the first new paragraph, insert a period at the end of the citation, so that it reads:

“(See, e.g., *Lessie*, *supra*, 47 Cal.4th 1152; *Fare v. Michael C.*
(1979) 442 U.S. 707 (*Fare*).)”

2. On page 4, in the first new paragraph, insert “Those cases” before the fragment “are simply inapposite,” so that the sentence reads:

“Those cases are simply inapposite.”

These modifications do not change the judgment.

ARONSON, J.